REMARKS

Claims 14,15,25-30 and 40-55 are all the claims pending in the application.

Claim Objections

Claim 14 is objected to due to minor informalities. Specifically, the Examiner suggests that "the device" in line 11 of claim 14 should be replaced by "the external device". Applicant amends claim 14 as suggested by the Examiner. Accordingly, withdrawal of this objection is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 25-26 and 29-30 are rejected under 35 U.S.C. § 102(b) as being anticipated by Satoshi Abe (JP 2001-273135; hereinafter "Abe"). For at least the following reasons, Applicant respectfully traverses the rejection.

Abe is directed toward a personal authentication method and device using a portable telephone 1 (paragraph 10). To that extent, Abe discloses storing licensed software or a usage license of the software in the memory of the portable telephone 1 (paragraph 23). Abe then discloses authenticating a personal computer 2, by the portable telephone 1, to use the software on the personal computer 2 (paragraphs 23-29). The Examiner asserts that the portable telephone 1 of Abe corresponds to the claimed mobile external device, and the personal computer 2 of Abe corresponds to the claimed external device.

In the Amendment filed January 12, 2009, Applicant respectfully submitted that Abe does not teach or suggest the personal computer 2 receiving a condition of the use of content from the portable telephone 1. Instead, the portable telephone 1 merely allows or disallows the

use of a software by the personal computer 2. That is, the personal computer 2 is never aware of the conditions of the software usage license. The personal computer 2 may merely download the software itself from the portable telephone 1, if the personal computer 2 has been authorized.

In response, the Examiner asserts that "Abe positively teaches receiving condition of the use of content from a mobile external device," referring to paragraphs 23, 27-29, and 37 of Abe.

In paragraph 23, Abe merely discloses storing a software or software license on the portable telephone 1, and authenticating the personal computer 2 "by inserting the portable telephone 1 into a portable telephone insertion hole provided specially to the personal computer 2… thus making all software usable." That is, Abe discloses authenticating the personal computer 2, and my authenticating, allowing the personal computer 2 to use software. However, Abe does not teach or suggest either the authentication of the personal computer 2 by the portable telephone 1, nor the use of software by the personal computer 2, involving the transfer of a condition of use of content from the portable telephone 1 to the personal computer 2. Instead, according to the disclosure of Abe, the portable telephone 1 merely allows or disallows the use of a software by the personal computer 2, and the personal computer 2 is never aware of the conditions of the software usage license.

In paragraphs 27, Abe discloses that, after authentication, if the software usage license is in the memory of the portable telephone 1 and the software is present in the memory of the personal computer 2, the software is usable on the personal computer 2. This disclosure of Abe explicitly states the software may be used on the personal computer 2 with the software usage

license remaining in the portable telephone 1. Abe does not teach or suggest the personal computer 2 receiving the software usage license from the portable telephone 1.

In paragraph 28, Abe discloses that if the software is not present in the memory of the personal computer 2, but is instead present in the memory of the portable telephone 1, the software may be launched directly from the memory of the portable telephone 1 for use on the personal computer 2. Once again, Abe does not teach or suggest the personal computer 2 receiving a condition of use of content from the portable telephone 1.

In paragraph 29, Abe merely discloses that the usage permission of the software (i.e. usage license) may be used to authenticate any personal computer 2, and not just one personal computer 2. However, as noted above, in the actual authentication as disclosed by Abe, it is neither taught or suggested that the personal computer(s) 2 receive a condition for use of content.

Lastly, the Examiner cites paragraph 37 of Abe. However, to place paragraph 37 in context, Applicant first refers the Examiner to paragraph 36. In paragraph 36, Abe discloses that "regarding upgrading and purchasing of software, the portable telephone 1 places a call to the authentication server 3 in which the software is stored, an ID authentication is received, and upgrading and purchasing processes are performed." Abe continues to disclose that "[the] software in the **internal memory of the portable telephone** is upgraded or added to…," (emphasis added). Now, referring to paragraph 37, Abe discloses that if the software usage license, which is stored in the portable telephone, is accompanied by a maintenance contract, "the upgrading license or the software itself are downloaded through the portable telephone 1 at night if so desired." Clearly, by "downloaded through the portable telephone 1," Abe is referring

to the portable telephone 1 itself downloading from a server to either upgrade a usage license or software stored in the portable telephone 1, or add a new usage license or software to the memory of the portable telephone 1. Abe still does not teach or suggest the personal computer 2 receiving a condition for the use of content, as recited in the claimed invention.

Furthermore, in an exemplary, non-limiting embodiment of the present invention, the invention is directed toward contents which can be used in a cell phone and a personal computer. It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand aspects of the claims. In contrast, Abe is merely directed toward the right of utilization for software which is used in a personal computer.

Claim Rejections under 35 U.S.C. § 103

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Hara (U.S. Publication No. 2003/00058086; hereinafter "Hara"). Claim 15 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Hara and further in view of Hamada et al. (JP 2002-163170; hereinafter "Hamada"). Claims 27-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Hori et al. (U.S. Publication No. 2004/0010467; hereinafter "Hori"). Claims 40, 42-44 and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini et al. (U.S. Publication No. 2002/0099663; hereinafter "Yoshini") and further in view of Shozo Toritani (JP H11-284757; hereinafter "Toritani"). Claim 41 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Hara. Claim 45 is

rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Isamu Iwamoto (JP 2002-024178; hereinafter "Iwamoto"). Claim 46 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Hamada. Claim 47 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Candelore (U.S. Patent No. 7,120,250; hereinafter "Candelore"). Claim 49 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Yoshini in further view of Toritani and further in view of Safadi (U.S. Publication No. 2003/0126086; hereinafter "Safadi"). Claim 50 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Toritani in further view of Sochi (JP 2002-175084; hereinafter "Sochi") and further in view of Burger (U.S. Publication No. 2007/0027696; hereinafter "Burger"). Claim 51-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Abe in view of Toritani in further view of Sochi further in view of Burger and further in view of Hara. For at least the following reasons, Applicant respectfully traverses the rejections.

Claims 14, 40 and 50 recite one or more features analogous to those discussed above with respect to claim 25. None of the above cited references, independently or in combination, address the deficiencies of Abe with respect to claim 25. Accordingly, Applicant respectfully submits that claims 14, 40 and 50 are patentable at least for reasons analogous to those given above with respect to claim 25. Applicant further submits that claims 15, 27-28, 41-49 and 51-55 are patentable at least by virtue of their respective dependency on claims 14, 25, 40 or 50.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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